

REPORT - PLANNING COMMISSION MEETING
May 8, 2003

Project Name and Number: Malito Residence (PLN2002-00250)

Applicant: Louise Malito

Proposal: A planned district minor amendment for site plan and architectural approval for a 7,332 square foot detached single-family dwelling, including a 1,243 square foot garage and a 283 square foot swimming pool equipment room.

Recommended Action: Approve, subject to conditions; or
Provide the applicant and staff with direction.

Location: 44733 Aguila Terrace in the Mission San Jose Planning Area

Assessor Parcel Number(s): 513-0265-017-00

Area: Lot 6, 14,549 square feet

Owner: Louise Malito

Agent of Applicant: James Miller, James Miller Architect

Consultant(s): James Miller, James Miller Architect

Environmental Review: EIR-88-10, an Environmental Impact Report, approved by the City Council on December 13, 1988.

Existing General Plan: Low Density Residential (2 to 3.5 dwelling units per acre)

Existing Zoning: P-88-2 - Planned District

Existing Land Use: Undeveloped

Public Hearing Notice: Public hearing notification is applicable. A total of 28 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Aguila Terrace, Parlet Court, Overlook Terrace, Montclair Terrace, and among others. The notices to owners and occupants were mailed on April 28, 2003. A Public Hearing Notice was delivered to The Argus on April 23, 2003 to be published by April 28, 2003.

Background and Previous Actions: On December 13, 1988, the City Council adopted an ordinance for the development of a 17 lot single-family residential subdivision on Aguila Terrace (P-88-2), west of Hunter Lane. A condition of approval requires all homes in the subdivision to be reviewed by the Planning Commission for site plan and architectural approval. In addition, a set of design guidelines, detailing specific architectural elements that were to be included in the design of the residences, was adopted as part of the approval for the Planned District.

The Planning Commission approved site plan and architectural review for 16 of the 17 lots located in Planned District (15 homes have been constructed, Lot 7 is in building permit phase). The applicant's lot, Lot 6, is the last lot in this subdivision to receive site plan and architectural consideration by the Planning Commission. A table

representing the approved residences, including size of structure and lot size, is included as an informational enclosure (Info "2").

Project Description: The Planning Commission is being asked to consider a Minor Amendment to P-88-2 for site plan and architectural review for Lot 6. The approval of Lot 6 will complete the Planning Commission's site plan and architectural review of originally, proposed residences in the 17-lot subdivision. The applicant proposes a 7,332 square foot detached single-family dwelling, including a 1,243 square foot garage and a 283 square foot swimming pool equipment room.

Architecture/Design Analysis: The approved architectural design guidelines for this subdivision require residences to have a Mediterranean or Italian architectural style. The guidelines state, "*The massing of the residence should be broken up to emphasize traditional residential qualities, rather than the more horizontal massing of modern housing.*" According to the applicant, the architectural style used for the building "is designed in the Traditional Mediterranean style, incorporating Doric columns, traditional barrel tile roofing materials, decorative medallions and balustrades." (Info 1—Applicant's Design Statement) In the context of the proposed project, the "Traditional Mediterranean" style has become a modern adaptation of features derived from architectural styles of the Mediterranean world, unified by the use of arches, courtyards, plain white wall surfaces, and clay tile roofs. The modern interpretations of this style have evolved from the Mediterranean region where design is based on climate, topography, ancient religious buildings and people's lifestyles and cultures. This 'style' tends to be an open plan to capture the views from as many rooms as possible. For ease of construction on the sloping sites the building forms usually remain fairly boxy. The use of structural columns and arches are important because of the region's classical roots. Portals, loggias, porticos, verandahs and terraces are all common due to the pragmatic need of shading the interior and the desire to create outdoor rooms to take advantage of the temperate climate. In addition, the transition between interior and exterior space is easy and convenient. In the broad sense, the Mediterranean style usually incorporates the following elements:

- Typical two story height;
- Rectangular-based floor plan;
- Shallow hipped or gabled roofs with concrete or ceramic tiles, projecting eaves;
- Tall narrow windows, commonly arched or curved, but also rectilinear;
- Arcaded porches;
- Raised stucco window trim or recessed windows;
- Classical smooth plaster columns;
- Stucco finish ranging from smooth to heavy dash;
- Stucco coining and banding;
- Simple forms and detailing;
- Verandas and terraces; and
- Balconies with precast balusters or wrought iron railings.

The applicant has incorporated many of these elements in the building design. The proposed building has a formal and symmetrical front elevation and the design of the other three facades is asymmetrical due to the site's existing topography. The front (south) elevation contains a formal entry portico and porch adorned by medallions, smooth doric columns and balustrades. The use of balustrades and doric columns are also extended on the upper story of the front façade where upper terraces provide exclusive, private spaces for bedroom 3 and 4 and the master suite. The architect has included elements and details consistent on all sides. According to the applicant's architect, the front and side façades have massing and articulation, created with the use of roofs, terraces, and building masses which project and recess on all elevations. The roof is primarily shallow hipped, with soffitted 24-inch projecting stucco eaves. The smooth stucco walls will be treated a cream color (La Habre, Sandstone), a color shade darker for the trim around the window and doors, and another shade darker for the gutters, fascia and medallions. The

roofing material is a darker color, composed of California Mission blend concrete S-shaped tiles. The vinyl-framed windows are proposed to be of white finish. The balustrade and columns will be painted a complementary color.

The applicant worked with staff to produce a design which meets the intent of the design guidelines for the Eagle Ridge Estates. Architectural details, such as arches, balustrades, window adornment and doric columns, are incorporated in the design of the home to create what the applicant describes as a "classic silhouette". The design of the home provides sufficient covered parking, while avoiding garage doors facing the front of the home. Additionally, the home steps with the grade as the lot becomes steeper towards the rear.

Staff suggested and the applicant incorporated modifications to the project. The applicant applied horizontal score lines in the stucco to the base of the house to add architectural interest and to reduce the overall vertical massing of the building and adjusted the window grids for consistency. Staff also suggested that the applicant explore the possibility of using other types of windows now available instead of white vinyl windows. The applicant explored the possibility but concluded that due to product availability, durability and costs, alternative windows products composed of aluminum (full or clad), wood, vinyl clad wood, steel and fiberglass are cost prohibitive and not practical. The applicant also noted that it is difficult to locate and coordinate windows and doors that match in appearance, quality and color. The applicant noted that most of the homes in this Planned District have white vinyl windows, which was confirmed by staff. Additionally, the applicant revised the color palette for the home to provide more contrast between the accent colors and the main body color of the house.

Staff believes the design of the home is very close to being acceptable. However, staff believes that some modifications are necessary to reduce the overall mass of the home and make it more compatible with the lot and existing slope. Staff suggested incorporating a variety of roof heights in the design of the home, particularly to reduce the home's bulk at its front elevation. The applicant, however, believes that the proposed home is designed with sufficient and appropriate roofs, terraces and building articulation. Although the applicant revised the color palette for increased contrast, staff believes that deeper shades and accent colors should be incorporated to further emphasize the façade elements.

To this end, staff recommends the following revisions (to be included as conditions of approval):

1. While the proposed home does include a variety of roof heights from the side and rear elevation due to the site's topography, and that the upper terraces, to a certain degree, provides articulation and relief, the front façade of the home is relatively massive with limited mix in roof heights. The applicant shall explore the possibility of reducing the mass of the home as it appears from the front façade. Revising the front façade to include one-story elements or undulating and stepping the front façade to minimize its otherwise massive horizontal appearance may accomplish this. (A-12)
2. In an effort to reduce the size and massing of the building, and therefore its visual and physical impact, staff recommends eliminating the doric column features on the side facades, thereby reducing the roof element extending over the master bath and bedroom 3 bath. The affected portions of the façade shall be redesigned with appropriate detailing treatment. (A-11)
3. While the cream-beiges proposed are listed on the Design Guidelines as acceptable colors, however, the sole use of beige should be re-evaluated. The introduction of complimentary, deeper shades and accent colors shall be incorporated to further emphasize the façade elements. (A-10)
4. The amount of hardscape in front of the residence leading to the front staircase shall be reduced to a width no greater than the front staircase to reduce the amount of hardscape in the front yard. (A-14)

The above recommendations are included as conditions of approval for the project. Staff finds that with the incorporation of these recommendations, the proposed residence will comply with the approved design guidelines and development standards for the area. However, should the Planning Commission find that the project is not in conformance with the guidelines and standards with the incorporation of staff's comments, direction should be provided for the applicant and staff.

Parking: The Planned District does not specify a minimum parking requirement for this development; therefore, the Fremont Municipal Code (FMC) is relied upon to provide a minimum parking standard. The FMC requires a minimum of two covered parking space per single-family dwelling. In satisfying this requirement, the proposed project provides four covered parking spaces in tandem.

Open Space/Landscaping: The applicant has submitted a proposed landscape plan for the front and rear yards. The landscape plan includes trees and shrubs, with placement of large- and medium-size specimen trees, such as the Yew Pine, Irish Yew and Grecian Laurel, in locations that will provide canopy coverage of the site while allowing ample views from the residence. The selected plant palette includes a variety of shrubs and groundcover, which include: Pink Rock Rose, Myrica Dwarf Hedge, Gardenia, Star Jasmine, Arctostaphylos "Emerald Carpet", and among others. The rear portion of the site contains a 30-foot wide wet band easement where a portion of the in-ground pool is proposed. The driveway shall be finished in an earth-tone stamped concrete paving or concrete unit paver treatment. Turf areas have been limited to the front and rear yards, surrounded by plantings of shrubs and groundcovers. The applicant will be required to reduce the hardscape area leading to the front staircase. (A-14) The landscape plan indicates use of low retaining walls in the front and rear of the site that shall be constructed of reinforced concrete finished with stucco and color to match the residence. Placement of these walls is subject to the grading section of the Fremont Municipal Code and shall be subject to staff approval during the Development Organization review process. (A-8) Staff finds that, except for the expansive hardscape preceding the front staircase, the landscape plan is acceptable.

Grading & Drainage: The site topography of the main part of the residence is fairly flat in the front and gradually becomes steeper towards the rear portion of the lot. The lot's elevations range from 436 feet above mean sea level at the front to 412 feet above mean sea level along the northwesterly (rear) edge of the property. The design of the residence, as proposed, complies with the site planning standards for development in the Hill Area.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Waste Management: This project involves the construction of a single-family residence and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. For storage purposes, the garbage and recyclable containers for this project is proposed to be located within the garage.

Environmental Review: This project is consistent with EIR-88-10, an Environmental Impact Report, approved by the City Council on December 13, 1988.

Response from Agencies and Organizations: No responses have been received to date.

Exhibits: Exhibit "A" (Site Plan, Site Plan w/Adjacent Homes, Grading Plan,
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Exhibit "B"	Landscape Plan, Floor Plan, Elevations and Computer Generated Model)
Exhibit "C"	(Conditions of Approval)
	(Color and Material Board)

Enclosures: Exhibit "A" (Site Plan, Grading Plan, Landscape Plan, Floor Plan, Elevations)

Informational Info "1" (Applicant's Design Concept)
Info "2" (List of Approved/Built Homes and Photos for Aguila Terrace)

Recommended Actions:

1. Hold public hearing.
2. Find PLN2002-00250 is in conformance with the relevant provisions contained in the City's existing General Plan. The project conforms to the goals and objectives of the Mission San Jose Planning Area.
3. Approve PLN2002-00250, as shown on Exhibit "A", subject to the conditions of approval set forth in Exhibit "B"

OR

1. Hold public hearing.
2. Provide direction to the applicant and staff, and continue this item to allow the applicant time to incorporate the changes.

EXHIBIT "B"
Malito Residence
Planned District Minor Amendment
PLN2002-00250

Conditions:

Prior to building permit issuance

- A-1 The project shall conform to Exhibit "A", all of the applicable conditions of approval for P-88-2, and all the conditions of approval set forth herein.
- A-2 The applicant shall submit appropriate plans to the Development Organization for review to ensure compliance with all City codes and policies. Any changes or modifications required through the Development Organization review process shall be incorporated into the project.
- A-3 The project shall be subject to City-wide Development Impact Fees. These fees may include fees for fire protection, park facilities, capital facilities and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance.
- A-4 Windows, doors, visibility of address and the like shall conform to the Security Ordinance, No. 2007, as amended, subject to the review and approval of staff during the Development Organization review process.
- A-5 Minor revisions of the site plan, building location and architectural details may be permitted within the overall context of the approved design concept, subject to the approval of the Assistant City Manager during the Development Organization review process.
- A-6 The project shall conform to the City's Hazardous Fire Area requirements as set forth in Chapter 16, Uniform Building Code, as amended.
- A-7 An approved automatic fire extinguisher system (AFES) shall be installed throughout the residence, subject to review and approval of staff during the Development Organization review process.
- A-8 All retaining walls shall be constructed of appropriate reinforced material and designed to match the texture and color of the building. No retaining wall shall exceed three feet in height.
- A-9 The location of open (wrought iron or wrought-iron look) and solid (wood) fencing shall be clearly indicated on plans. Consistent with the Fremont Municipal Code, solid fencing may be used only between adjoining structures and for privacy to a point twenty feet beyond the rear building line. Open screen fencing shall be used in all other locations.
- A-10 The proposed color scheme will require modification. The introduction of deeper shades and accent colors shall be incorporated to further emphasize the façade elements, subject to review and approval by staff during the Development Organization review process.
- A-11 In an effort to reduce the size and massing of the building, and therefore its visual and physical impact, the Doric column features on the side facades will be eliminated, thereby reducing the roof element extending over the Master bath and Bedroom 3 bath. The effected portions of the façade shall be redesigned with appropriate detailing and treatment.

- A-12 The applicant shall explore the possibility of reducing the massive appearance of the home as it appears from the front façade. Revising the front façade to include one-story elements or undulating and stepping the front façade to minimize its otherwise massive horizontal appearance may accomplish this.
- A-13 No combustible structures such as decks, patios or accessory structures shall be constructed within the identified 30-foot wide wetband areas. Review of improvements located in the wetband areas shall be conducted at the Development Organization review stage. The wetbands shall be installed and operational prior to the issuance of occupancy permit for the residence.
- A-14 The amount of hardscape in front of the residence leading to the front staircase shall be reduced to a width no greater than the front staircase to reduce the amount of hardscape in the front yard.
- A-15 The applicant shall repair the damaged stamped concrete sidewalk located in the homeowner's right-of-way common area directly in front of the Lot.
- A-16. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- A-17 The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system during and after construction. A separate plan shall be submitted for this purpose and shall be subject to review and approval of the City Engineer during the Development Organization process.
- A-18 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- A-19 The project drainage plans shall be revised to incorporate the existing sub drain, which runs through the center of the property, and any new foundation sub drains. The precise location of the existing sub drain shall be determined by the project civil engineer and shown on the drainage plan. Modification of the existing sub drain may be required, subject to approval of staff during Development Organization.
- A-20 The applicant shall submit a detailed soils report including recommendations regarding drainage structures and the existing sub drain, prepared by a qualified soils engineer registered by the State of California.

Prior to forming and framing:

- B-1 The project architect/ engineer shall submit a letter to the City certifying that the finished pad and floor elevations are consistent with the approved plans, subject to the review and approval of the Assistant City Manager.

During Construction:

- C-1 Prior to installation of the stucco coat, the applicant or the applicant's representative, shall request an inspection of the residence by the project planner in order to ensure compliance with all of the architectural detailing of the building as specified in the approved drawings.
- C-2 The property owner shall be responsible for litter control and sweeping of all paved surfaces. All on-site storm drains shall be cleaned immediately before the start of the rainy season beginning on October 15 each year, subject to the review of the Building/ Public Works Inspector.

C-3 Construction activities shall be limited to the following hours of operation:

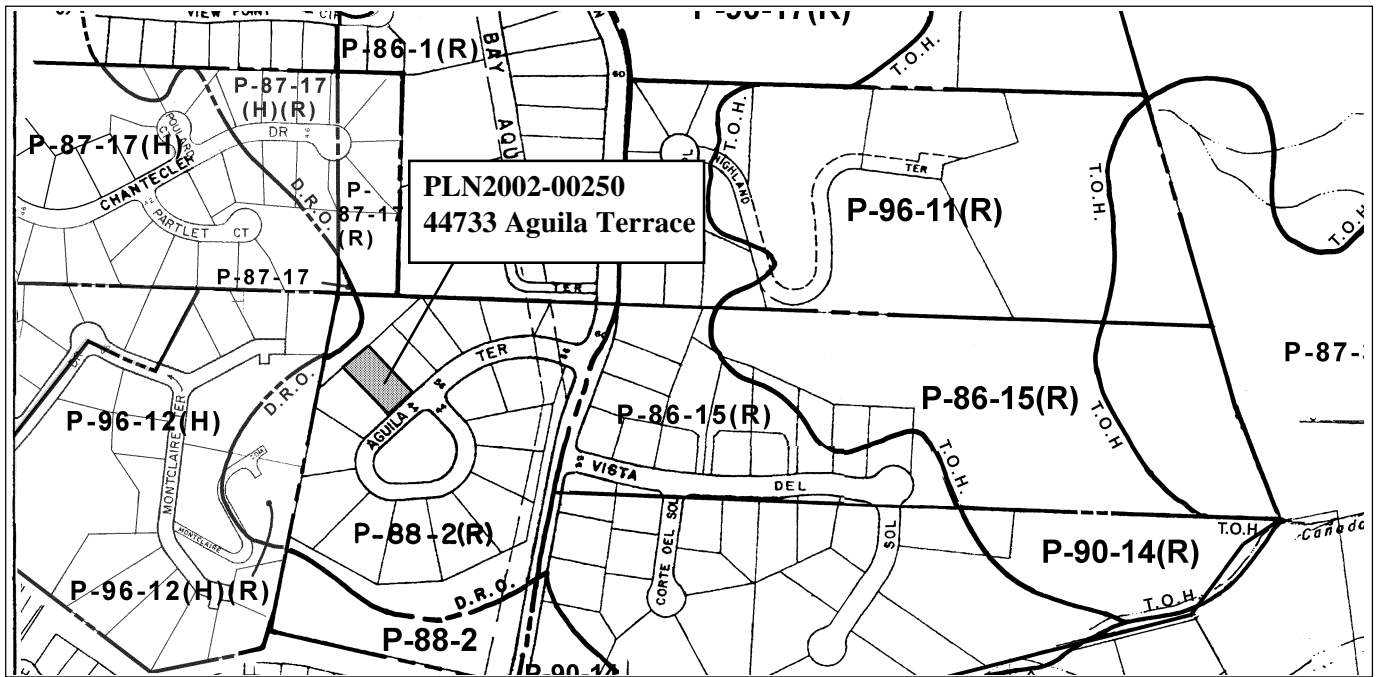
7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. on Saturday

Failure to comply with the above-mentioned hours of operation will result in revocation of permits.

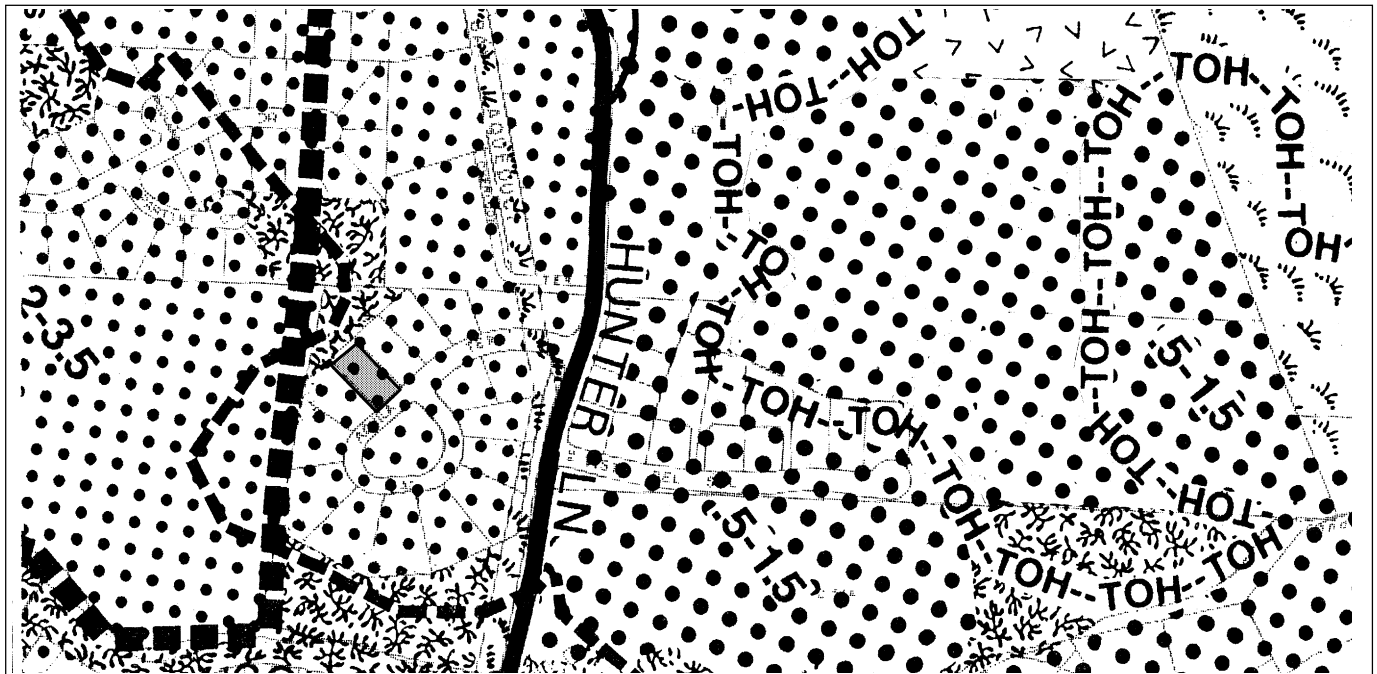
Prior to release of building for occupancy:

- D-1 The Project Architect shall submit a letter to the City certifying the building has been constructed in conformance with the approved architectural plan, subject to the review and approval of the Assistant City Manager.
- D-2 All landscaping and wetband treatments shall be completed, except where modified herein by conditions, as indicated in Exhibit "A", Landscape Plan. The Project Landscape Architect shall submit a letter to the Planning Division that all landscape improvements have been installed in compliance with the adopted landscape and grading plan prior to release of building for occupancy. **No improvements may be installed or encroachments of any kind permitted in the common lot area abutting at the rear of the subject lot.**

INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2002-00250 (PD Minor Amendment)
Project Name: Malito Residence
Project Description: To consider a Planned District Minor Amendment for a new single-family dwelling located in the Mission San Jose Planning Area.

Note: Prior arrangements for access are not required for this site.

